

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 2 has been canceled.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1 and 3-15 are now pending in this application.

Claim Objection

Claim 8 is objected to for containing informalities. Applicant respectfully submits that the amendments to the claims render this objection moot. Reconsideration and withdrawal of this objection is respectfully requested.

Rejection under 35 U.S.C. § 112

Claims 2-7 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant submits that the amendments to the claims render this rejection moot. Reconsideration and withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. § 102

The Office states on page 3 of the Office Action that claims 1, 8, 14, and 15 are rejected under 35 U.S.C. § 102(a) and (e) as being anticipated by WO 03/052846 to Yamaguchi *et al.* (hereafter "Yamaguchi"). This rejection is respectfully traversed.

Yamaguchi has an international publication date of June 26, 2003, which is prior to Applicant's the filing date of Applicant's international application PCT/JP2004/000954 under the Patent Cooperation Treaty. However, Applicant's international application claims priority

to Applicant's Japanese application, 2003-041147. Attached to this response is a verified English language translation of Applicant's Japanese priority application, 2003-041147, which was filed in the Japanese Patent Office on February 19, 2003. Applicant respectfully submits this translation to antedate and remove Yamaguchi as a reference under 35 U.S.C. § 102(a). See 37 C.F.R. § 1.55.

Applicant does not disagree that Yamaguchi is a reference under 35 U.S.C. § 102(e). However, independent claims 1, 14, and 15 have been amended to recite, among other things, that an average fuel gas concentration of a mixed gas is maintained in a given range. Claim 8 depends from claim 1. The Office notes on page 5 of the Office Action that Yamaguchi does not disclose that an average fuel concentration is controlled to lie within a given range. Thus, Yamaguchi does not anticipate claims 1, 8, 14, and 15 because Yamaguchi does not disclose all of the features of claims 1, 14, and 15. Reconsideration and withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claim 2, 7, and 9-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi. Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi as applied to claim 11, and further in view of U.S. Pub. No. 2002/0177016 to Okamoto (hereafter "Okamoto"). These rejections are respectfully traversed.

Applicant respectfully submits that Yamaguchi, as a reference under 35 U.S.C. § 102(e), is a patent application that was commonly owned at the time that this invention was made. See statement of common ownership below. Therefore, Yamaguchi should be disqualified as prior art under 35 U.S.C. § 103(c). See M.P.E.P. § 706.02(1)(2).

With Yamaguchi removed as prior art, Applicant respectfully submits that Okamoto does not disclose or suggest all of the features recited in claim 12 because Okamoto alone does not disclose or suggest all of the features of at least claim 1, from which claim 12 depends. Reconsideration and withdrawal of these rejections is respectfully requested.

Statement of Common Ownership

Application 10/520,518 and WO 03/052846 were, at the time the invention of Application 10/520,518 was made, owned by Nissan Motor Co., Ltd.

Allowable Subject Matter

Applicant gratefully acknowledges the indication that claims 3-6 and 13 contain allowable subject matter. Claim 13 has been amended to be placed in independent form.

Conclusion

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

DEC 18 2008

Date _____

By  _____

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